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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 10.04.2018

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CRL.REV.P. 293/2018 & CrI. M.A. 6168-70/2018

JAGMOHAN ARORA

..... Petitioner

versus

RAJ KUMARI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : None.

For the Respondent : None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

10.04.2018

SANJEEV SACHDEVA, J. (ORAL)

1. None appears for the petitioner. The matter was listed on 09.04.2018 when counsel for the petitioner made detailed submissions. When this court was not inclined to accept the present petition and was in the process of dictating the judgment, a pass over was requested on the ground that senior counsel would be addressing arguments. Thereafter when the matter reached later in the day, request for adjournment was made, which was acceded to, and the matter was kept for today.

2. Today, at lunch time a request for adjournment was made on the

ground that counsel was not available, said request was declined and the mentioning advocate was informed that the matter would be taken up for disposal.

3. None appears for the petitioner. In the circumstances, I am constrained to take up and dispose of the same.

4. The petitioner impugns order dated 07.03.2018 whereby an application under Section 127 of the Cr. P.C. filed by the petitioner seeking modification of order dated 12.03.2016 in a petition under Section 125 Cr. P.C. filed by the mother of the petitioner was dismissed.

5. Subject petition was filed by the mother of the petitioner, under section 125 Cr. P. C., seeking maintenance from her two sons, one of whom is the present petitioner.

6. On 12.03.2016 during pendency of the proceedings, a settlement was arrived at between the petitioner as well as the respondent/mother. The petitioner gave a statement before the Court that he had amicably settled the disputes with his mother and agreed to deposit a sum of Rs. 10,000/- per month by 15th day of every month in the bank account of her mother during her lifetime.

7. Subsequently, the subject application under Section 127 Cr. P.C. has been filed contending that in a settlement with another son,

mother has received a sum of Rs. 15 lakhs on account of transfer of her share in a joint property. The petitioner had sought modification of the order; seeking recall of the direction to pay a sum of Rs. 10,000/- per month.

8. Vide the impugned order, the trial court has noticed that order dated 12.03.2016 was an order passed on a statement given by the petitioner consequent to a compromise; wherein the petitioner had agreed unconditionally to pay the said amount of Rs. 10,000/- during lifetime of the mother. Further, it was noticed that the petitioner was aware that the mother was joint owner of the property and at subsequent point of time would get some share in the property.

9. Noticing these facts, the trial court was of the view that the petitioner could not be permitted to resile from the statement given on 12.03.2016 and no modification was called for of the consent order.

10. I find no infirmity in the view taken by the trial court. Statement given by the petitioner on 12.03.2016 is unconditional and unequivocal and as per the said statement, petitioner had agreed to pay maintenance, @ Rs. 10,000/- per month during lifetime of the mother.

11. The mere fact that mother has received a sum of Rs. 15 lakhs from transfer of her share in a joint property does not, in any manner, have any bearing on the unconditional and unequivocal statement given by the petitioner that a sum of Rs. 10,000/- per month shall be

paid by him as maintenance, during the life time of the mother.

12. In view of the above, I find no merit in the petition. The petition is accordingly dismissed. On account of the conduct of the petitioner as referred above, I am inclined to impose costs on the petitioner. The petition is accordingly dismissed with cost of Rs. 10,000/-.

APRIL 10, 2018
'rs'

SANJEEV SACHDEVA, J

